

DAVID AGUILAR #52801  
Name and Inmate Booking Number

NNCC  
Place of Confinement

P.O. Box 7000  
Mailing Address

CARSON CITY, NV 89202  
City, State, Zip Code

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

DAVID AGUILAR,  
Plaintiff

vs.

(1) EX-J. TAFELMEYER,

(2) EX-JOSEPH JOHNSON,

(3) % MAHON,

(4) % SHEEKS,

(5) \_\_\_\_\_,  
Defendant(s).

Case No. \_\_\_\_\_  
(To be supplied by Clerk of Court)

CIVIL RIGHTS COMPLAINT  
BY AN INMATE

- ☒ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint  
  
☒ Jury Trial Demanded

A. JURISDICTION

- 1) This Court has jurisdiction over this action pursuant to:  
☒ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983  
☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971)  
☒ Other: 28 U.S.C. § 2201 and 2202
- 2) Institution/city where Plaintiff currently resides: NNCC - CARSON CITY
- 3) Institution/city where violation(s) occurred: NNCC - CARSON CITY

**B. DEFENDANTS**

1. Name of first Defendant: EX-J. TAFELMEYER. The first Defendant is ~~ex~~ employed as:  
WAS SENIOR CORRECTIONAL OFFICER at NORTHERN NEV. CORRECTIONAL CENTER.  
(Position of Title) (Institution)
2. Name of second Defendant: EX-Joseph Johnson. The second Defendant is ~~e~~ employed as:  
CORRECTIONAL OFFICER at NORTHERN NEV. CORRECTIONAL CENTER.  
(Position of Title) (Institution)
3. Name of third Defendant: MAHON. The third Defendant is ~~e~~ employed as:  
CORRECTIONAL OFFICER at NORTHERN NEV. CORRECTIONAL CENTER.  
(Position of Title) (Institution)
4. Name of fourth Defendant: Sheeks. The fourth Defendant is ~~e~~ employed as:  
CORRECTIONAL OFFICER at NORTHERN NEV. CORRECTIONAL CENTER.  
(Position of Title) (Institution)
5. Name of fifth Defendant: \_\_\_\_\_. The fifth Defendant is employed as:  
\_\_\_\_\_ at \_\_\_\_\_.  
(Position of Title) (Institution)

If you name more than five Defendants, answer the questions listed above for each additional Defendant on a separate page.

**C. NATURE OF THE CASE**

Briefly state the background of your case.

This is an inmate civil rights action brought under 42 U.S.C. § 1983. Plaintiff David Aguila # 52801 is an inmate within the Nevada Department of Corrections (NDOC), currently housed at the Northern Nevada Correctional Center (NNCC). Defendants, as entities, or Agents thereof, acted, failed to act in violation of Plaintiff's constitutionally protected civil rights.

Plaintiff contends in his cause of action that at all times relevant, Defendants acted under the color of state law. The failures to act on behalf of the Defendants did not serve any penological purpose.

**NATURE OF THE CASE**

- 1) Briefly state the background of your case.

CONTINUATION

NOR ADVANCE ANY LEGITIMATE CORRECTIONAL GOAL.

PLAINTIFF CONTENDS THAT HE HAS EXHAUSTED ALL  
AVAILABLE ADMINISTRATIVE REMEDIES PRIOR TO BRING  
THIS ACTION.

**D. CAUSE(S) OF ACTION****CLAIM 1**

1. State the constitutional or other federal civil right that was violated: COUNT 1) Aguilar's Eighth Amendment right from "CRUEL AND UNUSUAL PUNISHMENT"
2. Claim 1. Identify the issue involved. Check only one. State additional issues in separate claims.
 

<input type="checkbox"/> Basic necessities	<input type="checkbox"/> Medical care	<input type="checkbox"/> Mail
<input type="checkbox"/> Disciplinary proceedings	<input type="checkbox"/> Exercise of religion	<input type="checkbox"/> Property
<input type="checkbox"/> Access to the court	<input checked="" type="checkbox"/> Excessive force by officer	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Threat to safety	<input type="checkbox"/> Other: _____	
3. Date(s) or date range of when the violation occurred: September 13, 2021
4. Supporting Facts: State as briefly as possible the FACTS supporting Claim 1. Describe exactly what each specific defendant (by name) did to violate your rights. State the facts clearly in your own words without citing legal authority or argument.

ON September 13, 2021, S/o Joseph Johnson came into Unit 2 dorm 6 where he hit Mr. Aguilar in the face with Aguilar's head phones. So Aguilar backhanded S/o J. Johnson with his walking cane. S/o J. Johnson ordered Aguilar to get up from his bed, Aguilar complied. Upon Aguilar standing up S/o J. Johnson punched Aguilar in the face first which caused the altercation between S/o J. Johnson, Aguilar, S/o J. Tafelmeyer, S/o Mahon and S/o Sheeks came into Unit 2 dorm 6 and ordered all the inmates out of dorm 6 which they complied. Inmate Roy Moraga 31584 witnessed all of the altercation between S/o J. Johnson, Aguilar. After S/o J. Tafelmeyer ordered the rest of the inmate's to get out of dorm 6 Mr. Moraga went to dorm 5 where he seen S/o J. Tafelmeyer use excessive force when Aguilar was in full mechanical restraints which caused serious injury to Mr. Aguilar. Mr. Aguilar was also beaten, tased and S/o Tafelmeyer refused to allow Mr. Aguilar to receive medical care and I was stripped naked and placed in a cell until Sept. 14, 2021 and placed in a wheelchair due to my injury's



CAUSED by S/SO J. TAFERMEYER, S/O MAHON, S/O SHEEKS AND THEN I WAS TRANSPORTED TO ELY STATE PRISON WHERE I FIRST RECEIVED MEDICAL TREATMENT FOR MY INJURIES. I AM AN ADA INMATE I HAD SURGERY ON ONE OF MY EYES BECAUSE I HAVE CATARACT ON BOTH OF MY EYES AND WHEN THE ALTERCATION HAPPEND BETWEEN S/O J. JOHNSON, MYSELF I WAS PARTIALLY BLIND, THESE CORRECTIONAL OFFICER'S KNEW OF MY BLINDNESS AND THEY STILL BEATE, TASED ME WHEN I WAS IN FULL MECHANICAL RESTRAINTS. FURTHERMORE THESE OFFICER'S S/SO J. TAFERMEYER, S/O MAHON AND S/O SHEEKS WHICH CAUSED MY SERIOUS INJURY PUT ME IN A WHEELCHAIR FOR 6 MONTHS, I NOW HAVE TO RELY ON A WALKER TO WALK BECAUSE OF THE SERIOUS INJURY'S THESE CORRECTIONAL OFFICER'S PUT ON ME, AND AS A RESULT OF THE BEATING, AGUILAR SUFFERED MAJOR BRUISES AND SWELLING OF HIS FACE WHICH THEY ACTED IN A MALICIOUSLY AND SADISTICALLY TO ONLY CAUSE PAIN, HARM FOR THE PURPOSES OF ESTABLISHING THAT PRISON OFFICIALS INFLICTED UNNECESSARY AND WANTON PAIN AND SUFFERING ON MR. AGUILAR'S FEDERAL CONSTITUTION'S RIGHTS UNDER THE CRUEL AND UNUSUAL PUNISHMENT CLAUSES, EXHIBITED DELIBERATE INDIFFERENCE TO MY MEDICAL NEEDS. I ALSO HAVE GLAUCOMA IN BOTH OF MY EYES.

**E. PREVIOUS LAWSUITS**

1. Have you filed any other lawsuits while incarcerated? ☐ Yes ☒ No
2. Has this Court or any other court designated you as subject to "three strikes" under 28 U.S.C. § 1915(g)? ☐ Yes ☒ No
3. If you have "three strikes" under 28 U.S.C. § 1915(g), does this complaint demonstrate that you are "under imminent danger of serious physical injury"? ☐ Yes ☒ No

**F. REQUEST FOR RELIEF**

I believe I am entitled to the following relief: COMPENSATORY DAMAGES IN EXCESS OF \$850,000.00 PER DEFENDANT, PUNITIVE DAMAGES IN EXCESS OF \$20 MILLION PER DEFENDANT, AWARD THE PLAINTIFF COST OF THIS SUIT AND ATTORNEY FEES AND EXPENSES, DECLARATORY JUDGMENT AGAINST ALL DEFENDANTS FOUND TO HAVE VIOLATED PLAINTIFF'S CONSTITUTIONAL RIGHTS AND REINSTATE PLAINTIFF'S ORIGINAL YARD STATUS (G.P.)

I understand that a false statement or answer to any question in this complaint will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT. See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

ROY DANIELS MORAGA

(name of person who prepared or helped prepare this complaint if not the plaintiff)

David Aguilar

(signature of plaintiff)

11-7-23

(date)

**ADDITIONAL PAGES**

You must answer all questions concisely in the proper space on the form. Your complaint may not be more than 30 pages long. It is not necessary to attach exhibits or affidavits to the complaint or any amended complaint. Rather, the complaint or any amended complaint must sufficiently state the facts and claims without reference to exhibits or affidavits. If you need to file a complaint that is more than 30 pages long, you must file a motion seeking permission to exceed the page limit and explain the reasons that support the need to exceed 30 pages in length.

**VERIFICATION**

I, DAVID AGUILAR, declare that I am the Plaintiff named in the foregoing Civil Complaint and know the contents thereof; that the pleading is true and correct of my own knowledge, except as to those matters stated on information and belief, and as to such matters I believe them to be true.

Executed under penalty of perjury, pursuant to NRS 208.165, at Northern Nevada Correctional Center, Carson City, NV, on this 2 day of NOVEMBER, 20 23

By: DAVID AGUILAR  
Plaintiff, In Proper Person

**AFFIRMATION PURSUANT TO NRS 239B.030**

\*\* I certify that that the foregoing document DOES NOT contain the social security number of any persons.

11-2-23  
(Date)

David Aguilar  
(Signature)

## NEVADA DEPARTMENT OF CORRECTIONS ADMINISTRATIVE CLAIM FORM

THIS FORM MUST BE COMPLETED PER NRS 41.036, 41.0322,  
209.243 AND ADMINISTRATIVE REGULATION 740

**DO NOT SEND DIRECTLY TO ATTORNEY GENERAL'S OFFICE,  
BOARD OF EXAMINERS, OR DIRECTOR**

This form is to be attached to your grievance form for any injuries or any other claim (except property) arising out of a tort alleged to have occurred during your incarceration as a result of an act or omission of the Department of Corrections or any of its agents, former officers, employees or contractors.

The following information is necessary to fairly evaluate your claim. Please provide complete information. If you need more space, attach a separate sheet of paper. You may submit additional evidence if available. Such additional evidence will be returned.

CLAIM IN THE AMOUNT OF \$ 20,850.<sup>00</sup> is hereby made against the Department of Corrections, based upon the following facts:

1. NAME OF CLAIMANT (Please print full name) <u>David Aguilar</u>		2. I.D. # <u>52801</u>	3. INSTITUTION <u>NNCC</u>
4. AMOUNT OF CLAIM <u>20,850.<sup>00</sup></u>	5. DATE AND DAY OF OCCURRENCE <u>Sept 13, 2021</u>		6. TIME (a.m. or p.m.) <u>1641 hours</u>
7. PLACE OF OCCURRENCE <u>Northern Nevada Correctional Center - Unit 2</u>			



8. Describe here, in complete detail, exactly how your claim loss or damage occurred and why you believe the institution is responsible or liable:

ON Sept. 13, 2021 S/o Joseph Johnson came into Dorm 6 where he hit me in the face with my headphones when they fell out of my right hand so I back handed him with my walking cane. S/o J. Johnson told me to get my birth ass up so I complied, S/o J. Johnson punched me in the face first, that's when the altercation started between me, Johnson, S/o J. Tafelmeyer and S/o Mahon, S/o Sheeks Tased, Beat me when I was in Full Restraints

9. Witnesses. Be sure to include any staff member who may have been involved in, or has any knowledge of, your alleged loss; also, list any inmate who has actual knowledge of facts pertinent to your claim:

MR. Roy D. Moraga # 31584 Witness All of the Battery done to me along with other inmates that were in Dorm 6. MR. Moraga seen S/o Tafelmeyer use Excessive Force After MR. Aguilar was in the Full Mechanical Restraints which he will testify to along with the other inmates that witness S/o J. Johnson start the altercation first by hitting me on my face.

10. Other pertinent information:

I was denied medical treatment after S/o J. Tafelmeyer and the other S/o's beat me here at Northern Nevada Correctional Center, I was stripped naked, placed in a wheel chair and transported to Ely State Prison on Sept. 14, 2021 when I received my first medical treatment where I remained in a wheel chair for 6 months, now for the rest of my life I have to depend on a walker in order to get where I am walking to.

STATE OF NEVADA )  
 ) SS  
COUNTY OF CARSON CITY )

I, DAVID AGUILAR, do hereby swear under penalty of perjury that I am the claimant named above, that I have read the foregoing claim and know the contents thereof, that the same is true of my own knowledge, except those matters stated upon information and belief, and as to those matters, I believe them to be true, and that THIS IS MY ENTIRE CLAIM AGAINST THE STATE OF NEVADA/DEPARTMENT OF CORRECTIONS.

I FULLY UNDERSTAND THAT I WILL HAVE TO SIGN A GENERAL RELEASE OF ALL CLAIMS IN THE PRESENCE OF A NOTARY PUBLIC FOR THE EXACT AMOUNT I AM CLAIMING BEFORE ANY PAYMENT WILL BE OFFERED TO ME. THIS GENERAL RELEASE WILL BECOME EFFECTIVE ONLY UPON ACTUAL PAYMENT OF THE CLAIM BY THE STATE OF NEVADA.

DATED this 7th day of November, 2023

David Aguilar  
Signature of Claimant

#### NOTICE

NEVADA REVISED STATUTE 197.160 provides that every person who knowingly presents a false or fraudulent claim is guilty of a gross misdemeanor, and is subject to criminal penalties of imprisonment of up to one year, and a fine of up to \$2,000.00.

DOC - 3095 (12/01)